

ZONING BOARD OF APPEALS MEETING MINUTES

SEPTEMBER 12, 2005

PRESENT: Mary Cardin, Kenneth Braga, Adam LaFleche, and Alternate Robert Wambolt

ABSENT: Duane Zahner, Robert Palozej, Mark Spurling, and Alternate Joseph Snyder

STAFF

PRESENT: Rob Phillips, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:07 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200515–AGME Enterprize, LLC for variances to Ellington Zoning Regulations, Section 7.7b(6)(a)(2) Detached Signs Permitted in C, PC, I, & IP Zones and Section 7.7b(8)(b) Illumination; to allow for a detached sign within the required 15 foot setback from lot lines and to not require Planning and Zoning Commission review for interior illumination of said detached sign on property located at 55 West Road, APN 012-019-0000 in a C Zone.

TIME: 7:08 p.m.

SEATED: M. Cardin, K. Braga, A. LaFleche, and R. Wambolt

Chairman Cardin explained that there were only four members present and that four positive votes were needed in order for an item to be approved. Chairman Cardin also noted that the mailings were sent less than 10 days prior to the hearing. Ms. McGuirl stated that she would like move forward with the hearing.

Ms. McGuirl stated that she is no longer requesting that the sign location be moved. She explained that she is only requesting a variance for sign size from 14 square feet to 20 square feet and for the sign to be internally illuminated.

Commissioner Wambolt noted his concern that if the sign size increases, that the sign itself may get closer to the front property line. Robert Phillips noted that the sign schematic was included in the zoning permit application file and showed it to the commissioners.

MOVED (BRAGA), SECONDED (LAFLECHE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200515—AGME ENTERPRIZE, LLC.

MOVED (BRAGA), SECONDED (LAFLECHE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #V200515—AGME ENTERPRIZE, LLC FOR A VARIANCE TO INSTALL A 20 SQUARE FOOT DETACHED SIGN IN THE SAME LOCATION AS THE EXISTING SIGN LINE AND TO ALLOW INTERIOR LIGHTING.

CONDITION: SIGN SHALL BE NO CLOSER TO THE FRONT PROPERTY LINE THAN THE EXISTING SIGN.

HARDSHIP: SIGN TO BE LOCATED IN THE SAME LOCATION AS THE EXISTING SIGN.

2. #V200516—Glenn & Erika Bahler for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the front yard setback from 35 feet to 27 feet for a 10' x 6' porch on property located at 48 Meadowbrook Road, APN 091-002-0000 in an RA Zone.

TIME: 7:36 p.m.

SEATED: M. Cardin, K. Braga, A. LaFleche, and R. Wambolt

Erika Bahler came forward to explain the request. She noted that she had recently obtained a variance for a front porch, but she was not aware that the side porch would also require a variance. Mrs. Bahler explained that the porch is essentially the size of the existing double doors. She noted that the home was built prior to zoning regulations.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200516—GLENN & ERIKA BAHLER.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE #V200516—GLENN & ERIKA BAHLER FOR A VARIANCE TO CONSTRUCT A 10' X 6' PORCH.

HARDSHIP: HOUSE WAS BUILT PRIOR TO ZONING REGULATIONS.

IV. UNFINISHED BUSINESS:

1. General Discussion of Zoning Regulations

Reanna Goodreau explained that she had sent the memo to the Planning & Zoning Commission regarding impervious coverage as the Board had requested, but that the item was tabled due to the large agenda. Robert Phillips stated that he had recently been challenged on the interpretation of building coverage and noted that building coverage, as he interprets it, can only include a structure with a roof. The Board agreed that this interpretation was correct. The

members agreed that with this interpretation, including impervious or lot coverage in residential zones was even more important.

BY CONSENSUS, THE BOARD REQUESTED STAFF TO SEND A MEMO TO THE PLANNING & ZONING COMMISSION FURTHER EXPLAINING THE REASONING FOR IMPLEMENTING A LOT COVERAGE OR IMPERVIOUS SURFACE COVERAGE WITHIN THE RESIDENTIAL ZONES.

Robert Phillips asked the Board for guidance on interpretation of when a variance is required. He explained that some communities do not require a variance if the proposal is going no closer to the property line than the existing structure. He stated that the past practice of Ellington has been to require a variance for any encroachment into the setback, whether or not it was closer to the property line than the existing structure. Mr. Phillips noted that both have positive and negative impacts.

CHAIRMAN CARDIN REQUESTED THAT STAFF INCLUDE "DISCUSSION OF THE INTERPRETATION OF WHEN A VARIANCE IS NEEDED" TO THE OCTOBER 17, 2005 MEETING AGENDA.

V. NEW BUSINESS: NONE

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the July 11, 2005 Meeting Minutes:

TABLED TO THE OCTOBER 17, 2005 MEETING.

2. Correspondence:
 - a. CT Federation of Planning & Zoning Agencies Quarterly Newsletter, Summer 2005

SO NOTED.

VII. ADJOURNMENT:

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:01 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary